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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **OAKLAND DIVISION**

10 IN RE: SOCIAL MEDIA ADOLESCENT
11 ADDICTION/PERSONAL INJURY PRODUCTS
12 LIABILITY LITIGATION

13 THIS FILING RELATES TO:

14 ALL ACTIONS
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MDL No. 3047

Case No. 4:22-md-03047-YGR

Honorable Yvonne Gonzalez Rogers

**STIPULATION AND [PROPOSED]
ORDER REGARDING PLAINTIFFS'
SECOND AMENDMENT TO THE
MASTER COMPLAINT (PERSONAL
INJURY); SETTING BRIEFING
SCHEDULE AND PAGE LIMITS FOR
DEFENDANTS' MOTIONS TO DISMISS
COUNTS ASSERTED IN AMENDED
SHORT-FORM COMPLAINTS**

Pursuant to Civil Local Rules 7-11 and 7-12, the Parties, through their undersigned counsel, hereby stipulate to, and respectfully request that the Court enter an order, (1) permitting Plaintiffs to amend Plaintiffs' Amended Master Complaint (Personal Injury) (Dkt. 234-1) ("Master Amended Complaint") and associated Short-Form Complaints to withdraw certain counts (the "Identified Counts")¹ without prejudice; (2) permitting individual Plaintiffs presently asserting the Identified Counts in their Short-Form Complaints to, at their election, file amended Short-Form Complaints to continue to assert one or more of the Identified Counts; and (3) setting the following briefing schedule and allocation of page limits for Defendants' Motion to Dismiss the Identified Counts to the extent asserted in any amended Short-Form Complaints. The Parties declare in support of this request:

WHEREAS, on November 14, 2023, this Court issued its Order Granting in Part and Denying in Part Defendants' Motions to Dismiss as to Plaintiffs' designated Priority Claims in the Master Amended Complaint (Dkt. 430) ("MTD Order 1");

WHEREAS, on November 21, 2023, this Court set a briefing schedule for Defendants' Motion to Dismiss all remaining non-priority claims in the Master Amended Complaint, *see* Case Management Order No. 6 (Dkt. 451) at 2;

WHEREAS, on November 21, 2023, this Court ordered Plaintiffs to review MTD Order 1 to decide whether they are withdrawing any claims identified in the Master Amended Complaint and to outline a process for effecting the same, *see* Case Management Order No. 6 (Dkt. 451) at 1;

WHEREAS, on December 5, 2023, Plaintiffs notified Defendants that they proposed to withdraw the Identified Counts² from the Master Amended Complaint and associated Short-Form Complaints, provided that (a) the withdrawal be without prejudice; and (b) plaintiffs who have alleged the Identified Counts in their Short-Form Complaints be provided a reasonable opportunity

¹ The Identified Counts are Count 6 (Negligent Undertaking), Count 11 (Violations of 18 U.S.C. §§ 1595 & 1591), Count 13 (Violations of 18 U.S.C. §§ 2252A(f) and 1446A), and Count 15 (Violations of 18 U.S.C. §§ 2252B and 2258A) as to all Defendants; and Count 12 (Violations of 18 U.S.C. §§ 2255 and 2252) and Count 14 (Violations of 18 U.S.C. §§ 2255 and 2252A(5)(b)) as to all Defendants other than the Meta Defendants.

² Plaintiffs' proposal to dismiss without prejudice Count 11 as to all Defendants was inadvertently omitted from their initial proposal.

1 to amend their Short-Form Complaints to continue asserting these counts should they wish to do
2 so;

3 WHEREAS, on December 12, 2023, Defendants notified Plaintiffs that they would agree
4 to Plaintiffs' proposal for withdrawing the Identified Counts, in exchange for Plaintiffs' agreement
5 to stipulate (subject to Court approval) to the schedule for pleading amendments and motion to
6 dismiss briefing set forth below;

7 WHEREAS, the parties have met and conferred, and have reached a mutually satisfactory
8 agreement, as set forth in the Update Regarding the Parties' Agenda and Joint Statement for
9 December 13, 2023, Case Management Conference (Dkt. 466);

10 WHEREAS, Plaintiffs have separately proposed amending the Master Amended
11 Complaint to add a single new paragraph incorporating by reference certain paragraphs of
12 complaints recently filed against Meta by one or more State Attorneys General; the parties are
13 meeting and conferring about which paragraphs shall be so incorporated; and the States do not
14 object to Plaintiffs' proposed amendment, *see* Agenda and Joint Statement for December 13,
15 2023, Case Management Conference (Dkt. 466) at 14;

16 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, SUBJECT TO
17 THE COURT'S APPROVAL, THAT:

- 18 1. Plaintiffs shall file the Second Amended Master Complaint withdrawing the
19 Identified Counts and incorporating by reference the allegations against Defendant
20 Meta from certain State Attorneys General complaints by no later than Friday,
21 December 15, 2023;
- 22 2. By virtue of Plaintiffs' withdrawal of the Identified Counts from the Master
23 Complaint, any such counts asserted in Short-Form Complaints shall also be
24 deemed withdrawn; and by virtue of Plaintiffs' incorporation by reference of
25 certain allegations against Defendant Meta, such allegations shall be deemed
26 asserted in Short-Form Complaints already filed;
- 27 3. Any individual Plaintiffs presently asserting the Identified Counts in their Short-
28 Form Complaints who wish to maintain those causes of action after the Second

Amended Master Complaint is filed shall file amended Short-Form Complaints re-asserting those counts (and any supporting allegations) by no later than Tuesday, January 2, 2024;

4. The Parties shall submit a revised proposed Short-Form Complaint that removes the Identified Counts from the list of Counts Plaintiffs may select when completing Short-Form Complaints, along with a revised proposed Short-Form Complaint Implementation Order, by no later than Tuesday, January 2, 2024;
5. Defendants' Motion to Dismiss the Identified Count(s) asserted in individual Short-Form Complaints, if any, shall be due on January 12, 2024, and shall be subject to a page limit of 25 pages;
6. Plaintiffs' Opposition shall be filed no later than February 5, 2024, and shall be subject to a page limit of 25 pages;
7. Defendants' Reply shall be filed no later than February 26, 2024, and shall be subject to a page limit of 12.5 pages.
8. The schedule for (and page limits applicable to) the motion to dismiss briefing as to all counts other than the Identified Counts shall remain as set by Case Management Order No. 6 (Dkt. 451) at 2–3, except that the page limits applicable to the Track 2 briefing shall be reduced to 35 pages (opening motion), 35 pages (opposition), and 17.5 pages (reply).

DATED: December 13, 2023

Respectfully submitted,

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

Hon. Yvonne Gonzalez Rogers
United States District Judge

ATTESTATION

I, Ashley M. Simonsen, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

DATED: December 13, 2023

/s/ Ashley M. Simonsen

Ashley M. Simonsen